

A091 (Rev. 8/01) Criminal Complaint

United States Courts  
Southern District of Texas  
FILED

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

JUN 20 2011

UNITED STATES OF AMERICA

V.

**Maria Helena MARTINEZ  
Raul RODRIGUEZ**

David J. Bradley, Clerk of Court

**CRIMINAL COMPLAINT**

Case Number:

**0-11-739m**

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 6/19/2011 in Kenedy County, in the  
(Date)

Southern District of Texas, the defendant(s)

**Maria Helena MARTINEZ  
Raul RODRIGUEZ**

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

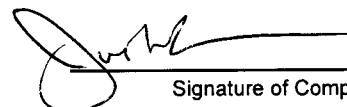
in violation of Title 8 United States Code, Section(s) 1324  
I further state that I am a(n) Special Agent and that this complaint is based on the  
following facts:  
Official Title

See Attached Affidavit of ICE Special Agent

**Justin Hausman**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No



Signature of Complainant

**Justin Hausman**

Printed Name of Complainant

Sworn to before me and signed in my presence, probable cause found on

June 20, 2011

Date

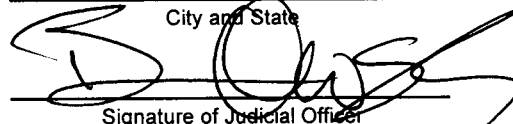
**Brian L. Owsley U.S. Magistrate Judge**

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State



Signature of Judicial Officer

## **AFFIDAVIT**

On June 19, 2011, at approximately 3:00 a.m. Border Patrol Agent (BPA) Brian Carter observed a white 2001 Oldsmobile Alero, bearing TX license plate CSN234, arrive at the United States Border Patrol Checkpoint near Sarita, Texas. While performing primary inspections, BPA Carter encountered Maria Helena MARTINEZ, the driver, and Raul Duran RODRIGUEZ, passenger, of the white Alero.

BPA Carter asked MARTINEZ if she was a United States citizen and she stated that she was. BPA Carter asked MARTINEZ where she was going and stated she was going to Corpus Christi, TX. BPA Carter thought it was strange that she was traveling to Corpus Christi at 3 a.m. and asked her where in Corpus Christi she was going. MARTINEZ paused for a minute and said "uhh".

BPA Carter then asked the passenger RODRIGUEZ where they were going in Corpus Christi. RODRIGUEZ paused for a minute, looked away and stated in a low voice "Beach St." Suspicious of RODRIGUEZ's generic sounding answer, BPA Carter asked RODRIGUEZ if he was a United States citizen and he stated "yes" in a more confident voice.

At this time BPA Modesto Morales and his canine partner Shiewa were conducting a free air sniff of the exterior of the vehicle. As BPA Morales was circling the vehicle next to BPA Carter, he asked for consent to look in the trunk. BPA Morales noticed that when he asked to look in the trunk, MARTINEZ's jaw dropped and she displayed a panicked look on her face. BPA Carter asked MARTINEZ for permission to open the trunk and she said "yes". At that time BPA Carter could see RODRIGUEZ become physically nervous. RODRIGUEZ began shifting in his seat and his leg began shaking. MARTINEZ also became nervous; she was having difficulty putting the vehicle in park and looking for the trunk release.

When BPA Morales opened the trunk he immediately noticed Horacio Ortega-Reyes. In Spanish, BPA Morales asked Ortega where he was from and Ortega responded in Spanish, "from Mexico". BPA Morales informed BPA Carter that there was someone in the trunk. As soon as BPA Morales made the announcement, MARTINEZ said "oh no"!

BPA Carter instructed MARTINEZ to turn the vehicle off and get out of the vehicle. MARTINEZ, RODRIGUEZ and Ortega were escorted into the checkpoint for further interviewing and possessing

#### PRINCIPAL STATEMENT (MARTINEZ)

Maria Helena MARTINEZ was read her Miranda rights in the English language by BPA Carter and witnessed by BPA Eric Marcial. MARTINEZ stated that she understood her rights and signed accordingly. MARTINEZ was asked if she was willing to make a statement or answer any questions and she said that she was willing to; MARTINEZ signed accordingly. In substance, MARTINEZ stated the following:

MARTINEZ stated that her friend, Elvia, asked her if she would take someone to Corpus Christi, TX, for which she would be paid \$200.00. MARTINEZ stated that she has known Elvia for three months and that Elvia made all the arrangements. MARTINEZ picked up Ortega in a sub-division of Donna, TX, and told him to sit in the front seat beside her because he understood English. MARTINEZ stated she thought that he could just lie when Border Patrol Agents asked him questions. MARTINEZ stated that he asked to be taken to Houston, TX and that he would pay an additional \$200.00 and she agreed. MARTINEZ stated that she did not know he was in the trunk and that she did not hear or see him enter the trunk. MARTINEZ stated that RODRIGUEZ did not know that Ortega was illegal and did not know about any of the arrangements made for transporting him to Corpus Christi or Houston. MARTINEZ claimed that RODRIGUEZ was just along for the ride to keep her company.

#### CO-PRINCIPAL STATEMENT (RODRIGUEZ)

Raul Duran RODRIGUEZ was read his Miranda rights in the English language by BPA Brian Carter and witnessed by BPA Remberto Arteaga. RODRIGUEZ stated that he understood his rights and signed accordingly. RODRIGUEZ was asked if he was willing to make a statement or answer any question and he stated that he was willing to; RODRIGUEZ signed accordingly. In substance, RODRIGUEZ stated the following:

RODRIGUEZ stated that he did not know Ortega and that he was only helping out a friend, Maria MARTINEZ. RODRIGUEZ stated that on June 18, 2011 he was working as a bartender when he received a call from MARTINEZ about 7:00 p.m. MARTINEZ asked him to accompany her to Corpus Christi, TX but did not state why. RODRIGUEZ stated that he figured why. MARTINEZ picked him up at the bar alone at 1:00 a.m., when the bar closed. RODRIGUEZ stated the he and MARTINEZ drove to her friend's house where they picked up Ortega. RODRIGUEZ said he does not know the friend's name, only that the house is in Donna, TX. From the friend's house,

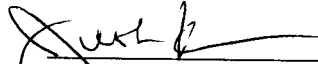
they traveled north towards the checkpoint. RODRIGUEZ stated that about fifteen minutes before arriving at the checkpoint, he pulled down the back seat and Ortega climbed into the trunk and closed the backseat. RODRIGUEZ stated he knew that Ortega was illegal. RODRIGUEZ stated that initially they were going to Corpus Christi, TX, but changed their plans because of the request made by Ortega. RODRIGUEZ said he was not going to be paid any money and that he did not know the arrangements made between MARTINEZ and Ortega.

#### MATERIAL WITNESS'S STATEMENT (Ortega)

On June 19, 2011 at 3:25 a.m. Horacio Ortega-Reyes was read his Miranda rights in the Spanish language by Border Patrol Agent Brian Carter and witnessed by Border Patrol Agent Robert Tudor. Ortega stated that he understood his rights and signed accordingly. Ortega was asked if he was willing to make a statement or answer any question and he agreed to do so; Ortega signed accordingly. In substance, Ortega stated the following:

On June 15, 2011, Ortega illegally crossed the Rio Grande River into the United States near Hidalgo, TX. Ortega stated that he had paid \$2,000.00 USD before he left Mexico to be smuggled to Corpus Christi, TX. After he crossed the river he was picked up by a car and was taken to a hotel with the word "Inn" in the name. Ortega stated that he stayed there until he was picked up by MARTINEZ and RODRIGUEZ in the Oldsmobile Alero. Ortega stated that he was waiting in a hotel room and both MARTINEZ and RODRIGUEZ knocked on the door and asked if he was ready. Ortega stated that he was ready and got into the vehicle with MARTINEZ and RODRIGUEZ. During the trip Ortega was trying to get MARTINEZ to take him to Houston, TX. Ortega stated that when they were close to the checkpoint MARTINEZ told him to get into the trunk through the backseat. Ortega stated that he was not going to pay RODRIGUEZ or MARTINEZ any money.

With concurrence of the Assistant United States Attorney Sam Brown, MARTINEZ and RODRIGUEZ were arrested for violating 8 USC 1324 (Alien Smuggling/Transportation) and Ortega was held as a Material Witness.



Justin Hausman, Special Agent  
Immigration and Customs Enforcement

SUBSCRIBED AND SWORN TO  
BEFORE ME THIS 20th DAY  
OF JUNE, 2011



Brian L. Owsley, U.S. Magistrate Judge